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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,643	09/25/2003	Alastair Douglas Wright	NGP0068	6805

832 7590 03/09/2006

BAKER & DANIELS LLP  
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FORT WAYNE, IN 46802

EXAMINER
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AHMED, AAMER S

ART UNIT	PAPER NUMBER
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3763

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/670,643

Applicant(s)

WRIGHT, ALASTAIR DOUGLAS

Examiner

Aamer S. Ahmed

Art Unit

3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Liao (US 2003/0187400).

Liao discloses an automatically retractable safety syringe which has a barrel (72) having a leading and trailing ends, a hollow bore needle (80) extending from the leading end of the barrel and carried by a needle hub (20), a resilient member (40) connected between the barrel and the needle hub (see figure 9), a crown (25, see figure 1), a hollow plunger with a hollow interior, (60) slidably moveable within the barrel carrying a removable core (50), in its leading open end, the hollow interior being sized to receive the removable core, the needle and the needle hub; and a first resiliently deformable member removably attaching the core to the plunger; wherein the crown (25) is removably attached to the needle hub (20) via a second resiliently deformable member (30) that forms a seal around the crown and wherein the first resilient member forms a seal around the plunger (40).

Claims 6-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Donnan et al (US 2003/0236501).

Donnan discloses a retractable needle syringe that teaches a needle connected to a retraction mechanism for retracting the needle and a removable sheath for enclosing the needle wherein the sheath engages the retraction mechanism when it encloses the needle to prevent retraction of the needle prior to removal of the sheath (see paragraph 0009 and figure 6), with a collar for attachment with a syringe (see figure 3) having a barrel (B) and a retractable plunger (P), where the collar may be formed of plastic (see figure 0024).

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liao in view of Smith et al (5,250,035).

Liao discloses the claimed invention as disclosed above, however Liao fails to disclose the use of a glass hub.

Smith et al discloses a cannula and stylet system that utilizes a glass needle hub, the use of the glass hub providing the advantage of allowing a user to have a clear view window in order to properly place the needle (see abstract).

It would have been obvious to one having ordinary skill in the art at the time of invention by applicant to modify the needle hub used in Liao and make it out of glass in order to allow the user to have a clear viewing window in order to properly place the needle, as taught by Smith.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donnan in view of Boitch et al (5,788,677).

Donnan discloses the claimed invention as discussed above, but fails to disclose a glass barrel for the syringe.

Boitch discloses a retractable needle apparatus that teaches the use of a glass barrel for the syringe (see col. 3, lines 42-47) in order to make the syringe compatible for use with a variety of medications.

It would have been obvious to one having ordinary skill in the art at the time of invention by the applicant to modify the device of Donnan and utilize a glass barrel as taught by Boitch in order to allow the syringe to be compatible for use with a variety of medications.

#### ***Response to Arguments***

Applicant's arguments filed August 17<sup>th</sup>, 2005 have been fully considered but they are not persuasive.

As to applicant argues regarding claims 1-4, that Liao fails to disclose a resiliently deformable member removably attaching the core to the plunger, a removable core and a gasket that is removably attached to the core to the plunger. Further applicant argues that the amended claim stating that the hollow interior is sized to receive the removable core, needle and hub. However, the elements are present in Liao as described above, more over, the hollow plunger is sized to receive the core, needle and hub as seen in figure 9.

As to claims 6-10, applicant argues that Donnan does not disclose a sheath that prevents retraction of the needle, however this is visible in figure 6.

Applicant's arguments regarding claims 5 and 11 are addressed above.

#### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aamer S. Ahmed whose telephone number is 571-272-5965. The examiner can normally be reached on Monday thru Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

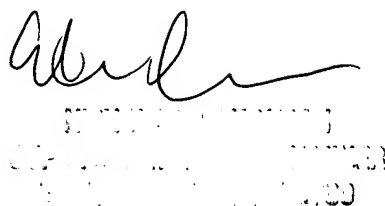
Application/Control Number: 10/670,643

Page 6

Art Unit: 3763

A handwritten signature in black ink, appearing to read "A. Ahmed", followed by a comma.

A. Ahmed

A handwritten signature in black ink, appearing to read "Ahmed", followed by a horizontal line. Below the signature is a faint, rectangular stamp with illegible text.